THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1957 OF 2000

21.3.2006

Between:

M/s.Gold Stone Exports Private Limited

… Petitioner

AND

The Commissioner, Municipal Corporation of Hyderabad

… Respondent

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1957 OF 2000

ORDER:

The petitioner filed the instant writ petition aggrieved by the notice issued by the respondent under Section 636 of Hyderabad Municipal Corporations Act, 1955 (HMC Act, for brevity). The said notice was issued calling upon the petitioner to remove the unauthorized constructions made in the cellar portion and restore parking spaces within twenty-four hours. *Inter alia*, the said notice is challenged on the ground that the same is not preceded by a notice under Section 452(1) of the HMC Act.

Though the counter affidavit is filed, the allegation that the impugned order was not preceded by notice under Section 452(1) of the HMC Act is not denied. Therefore, following the Judgment of this Court in **Srinath Construction Company v Municipal Corporation of Hyderabad**, this writ petition is allowed and impugned notice is set aside. Liberty is, however, given to the Municipal Corporation of Hyderabad to issue notice under Section 452(1) of the HMC Act to take appropriate

action in accordance with law keeping in view the settled position that the cellar portion is intended only for parking.

The writ petition is accordingly allowed. No costs.

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(V.V.S.RAO,J)

21.03.2006.

pln